

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

OCT 21 2019

David J. Bradley, Clerk

United States of America

v.

Martin Osuna HINOJOSA  
YOB: 1978

Case No. M-19-2550-M

Defendant(s)

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 8, 2019 in the county of Starr in the  
Southern District of Texas, the defendant(s) violated:

## Code Section

21 United States Code Sections  
952(a), 960(a)(1) and (b)(1)(A)

## Offense Description

Importation of a Controlled Substance, to wit: 1 kilogram or more of a mixture  
or substance containing a detectable amount of heroin

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.Reviewed by: [Signature]  
JESSE SPRAZER, ASAC[Signature]  
Complainant's signature

Michael Schmidtke, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date:

October 21, 2019  
3:14 pm[Signature]  
Judge's signature

City and state:

McAllen, Texas

Peter E. Ormsby, United States Magistrate Judge

Printed name and title

**ATTACHMENT A**

**AFFIDAVIT IN SUPPORT OF ARREST WARRANT**

I, Special Agent Michael Schmidtke, being duly sworn, hereby state as follows:

**I. INTRODUCTION**

1. I am a Special Agent (SA) of the Federal Bureau of Investigation (FBI) and have been so employed since June 2016. I am currently assigned to the San Antonio Division-McAllen Resident Agency of the FBI. As an FBI Special Agent, I conduct investigations of federal criminal violations and have participated in numerous investigations involving individuals suspected of violating laws of the United States including smuggling and trafficking of narcotics. I am currently assigned to the FBI Resident Agency's Organized Crime Drug Enforcement Task Force where I investigate crimes under Title 21 and under Title 18 of the United States Code, including narcotics trafficking and conspiracy to possess and distribute narcotics and money laundering associated with the aforementioned crimes.
2. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.
3. The facts set forth in this affidavit are based on my own personal knowledge, knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers, my review of documents and communications with others who have personal knowledge of the events and circumstances described herein, and information gained through my training and experience. Facts have also been gathered from confidential human sources (CHS) who have provided information that has been corroborated and/or proven to be reliable and credible.
4. This affidavit is intended to support probable cause, but it is not intended to convey all the facts of the investigation.

## **II. FACTS IN SUPPORT OF PROBABLE CAUSE**

5. On October 8, 2019, a 2012 Nissan Altima, displaying Mexico license plate - A49TLC8, attempted to enter the United States at a port of entry located in Rio Grande City, Texas. During primary inspection, Customs and Border Protection (CBP) agents identified the driver as Martin Osuna HINOJOSA (hereinafter referred to as "HINOJOSA"). Agents referred the vehicle for further inspection, at which point agents noticed HINOJOSA was shaking and appeared to act nervous.
6. During secondary inspection, a CBP canine alerted to the vehicle for the presence of the odor of narcotics. During physical inspection of the vehicle, agents noticed the vehicle's battery was abnormally light and very clean in appearance. The top portion of the car battery was removed, at which point agents observed multiple bricks of suspected narcotics inside the battery. Agents field-tested the suspected narcotics which indicated a positive presence of heroin. The bricks of suspected heroin weighed approximately 6.38 kilograms.
7. Under rights advisement and waiver, HINOJOSA admitted to knowing there were narcotics inside the vehicle's car battery when he attempted to cross into the United States from Mexico. HINOJOSA stated he previously conducted several trips transporting narcotics in car batteries from Mexico into the United States. The interview was audio and video recorded.